

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00466-CRC**

CAMPAIGN FOR ACCOUNTABILITY v. U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 02/27/2018
Date Terminated: 11/06/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CAMPAIGN FOR
ACCOUNTABILITY**

represented by **Nichole L. Sterling**
BAKER HOSTETLER LLP
45 Rockefeller Plaza
14th Floor
New York, NY 10111
212-589-4282
Fax: 212-589-4201
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

A. Mackenna White
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
14th Floor
New York, NY 10111
(212) 847-2829
Fax: (212) 589-4201
TERMINATED: 06/17/2019
PRO HAC VICE

Kendall Eugene Wangsgard
BAKER & HOSTETLER LLP
1050 Connecticut Avenue, NW
Suite 1100
Washington, DC 20036
(202) 861-1500
Email: kwangsgard@bakerlaw.com
ATTORNEY TO BE NOTICED

Carey S. Busen
BAKER & HOSTETLER LLP
1050 Connecticut Avenue, NW
Suite 1100
Washington, DC 20036
(202) 861-1568
Fax: (202) 861-1783
Email: cbusen@bakerlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Jason Todd Cohen**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
202-252-2523

Email: jason.cohen@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff

U.S. ATTORNEY'S OFFICE FOR THE

DISTRICT OF COLUMBIA

555 Fourth Street, NW

Washington, DC 20530

(202) 252-2557

Fax: (202) 252-2599

Email: doris.coles@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/27/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5350710) filed by CAMPAIGN FOR ACCOUNTABILITY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons HHS, # <u>5</u> Summons Liu, # <u>6</u> Summons Sessions)(Busen, Carey) (Entered: 02/27/2018)
02/27/2018	<u>2</u>	NOTICE of Appearance by Carey S. Busen on behalf of CAMPAIGN FOR ACCOUNTABILITY (Busen, Carey) (Entered: 02/27/2018)
02/27/2018	<u>3</u>	Corporate Disclosure Statement by CAMPAIGN FOR ACCOUNTABILITY. (Busen, Carey) (Entered: 02/27/2018)
02/27/2018		Case Assigned to Judge Christopher R. Cooper. (zmd) (Entered: 03/02/2018)
03/05/2018	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 03/05/2018)
03/20/2018	<u>5</u>	AFFIDAVIT <i>OF SERVICE [HHS]</i> by CAMPAIGN FOR ACCOUNTABILITY. (Busen, Carey) (Entered: 03/20/2018)
03/20/2018	<u>6</u>	AFFIDAVIT <i>OF SERVICE [Liu]</i> by CAMPAIGN FOR ACCOUNTABILITY. (Busen, Carey) (Entered: 03/20/2018)
03/20/2018	<u>7</u>	AFFIDAVIT <i>OF SERVICE [Sessions]</i> by CAMPAIGN FOR ACCOUNTABILITY. (Busen, Carey) (Entered: 03/20/2018)
03/20/2018	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Nichole L. Sterling, :Firm- Baker Hostetler LLP, :Address- 45 Rockefeller Plaza, 14th Floor, New York, New York 10111. Phone No. - 212-589-4282. Fax No. - 212-589-4201 Filing fee \$ 100, receipt number 0090-5382027. Fee Status: Fee Paid. by CAMPAIGN FOR ACCOUNTABILITY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Busen, Carey) (Entered: 03/20/2018)
03/20/2018	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- A. Mackenna White, :Firm- Baker Hostetler LLP, :Address- 45 Rockefeller Plaza, 14th Floor, New York, New York 10111. Phone No. - 212-847-2829. Fax No. - 212-589-4201 Filing fee \$ 100, receipt number 0090-5382043. Fee Status: Fee Paid. by CAMPAIGN FOR ACCOUNTABILITY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Busen, Carey) (Entered: 03/20/2018)
03/20/2018	10	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/16/2018. (Answer due for ALL FEDERAL DEFENDANTS by 4/15/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/16/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 3/16/2018. (See Docket Entries <u>5</u> , <u>6</u> and <u>7</u> to view documents). (znmw) (Entered: 03/21/2018)

03/22/2018		MINUTE ORDER granting <u>8</u> and <u>9</u> Motions for Leave to Appear Pro Hac Vice. Signed by Judge Christopher R. Cooper on 3/22/2018. (lccrc2) (Entered: 03/22/2018)
04/12/2018	<u>11</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Cohen, Jason) (Entered: 04/12/2018)
04/16/2018	<u>12</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) (Entered: 04/16/2018)
04/19/2018		MINUTE ORDER granting <u>12</u> Defendant's Motion for Extension of Time. Defendant's response to the complaint shall now be due by May 16, 2018. Signed by Judge Christopher R. Cooper on 4/19/2018. (lccrc2) (Entered: 04/19/2018)
05/16/2018	<u>13</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Cohen, Jason) (Entered: 05/16/2018)
05/16/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by June 1, 2018. Signed by Judge Christopher R. Cooper on 5/16/2018. (lccrc2) (Entered: 05/16/2018)
05/17/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 6/1/2018 (lsj) (Entered: 05/17/2018)
05/21/2018	<u>14</u>	NOTICE of Appearance by Kendall Eugene Wangsgard on behalf of CAMPAIGN FOR ACCOUNTABILITY (Wangsgard, Kendall) (Entered: 05/21/2018)
06/01/2018	<u>15</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>for Joint Proposed Schedule for Disclosure</i> filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) (Entered: 06/01/2018)
06/04/2018		MINUTE ORDER: In light of <u>15</u> the parties' joint proposed schedule, it is hereby ordered that production in this case proceed as follows. Defendant will review and produce 1,000 pages per month, with monthly productions beginning July 1, 2018. The parties shall file a joint status report on the second Friday of each month, commencing July 13, 2018. Signed by Judge Christopher R. Cooper on 6/4/2018. (lccrc2) (Entered: 06/04/2018)
06/04/2018		Set/Reset Deadlines: Joint Status Report due by 7/13/2018 (lsj) (Entered: 06/04/2018)
07/13/2018	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 07/13/2018)
07/30/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 8/13/2018. (znbn) (Entered: 07/30/2018)
08/13/2018	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 08/13/2018)
09/14/2018	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 09/14/2018)
10/12/2018	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 10/12/2018)
11/09/2018	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 11/09/2018)
12/14/2018	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 12/14/2018)
01/10/2019	<u>22</u>	MOTION to Stay by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/10/2019)
01/10/2019		MINUTE ORDER granting <u>22</u> Defendant's Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/10/2019. (lccrc2) (Entered: 01/10/2019)

01/29/2019	<u>23</u>	NOTICE of Restored Government Funding by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Cohen, Jason) (Entered: 01/29/2019)
02/01/2019		MINUTE ORDER: In light of <u>23</u> Notice of Restored Government Funding, the stay in this case is lifted. The parties shall file a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 2/8/2019 (lsj) (Entered: 02/01/2019)
02/08/2019	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: In light of <u>24</u> the parties' joint status report, HHS shall continue reviewing 1,000 potentially responsive pages per month and make monthly productions. In addition, the parties shall continue providing joint status reports on the second Friday of each month, beginning March 8, 2019. Signed by Judge Christopher R. Cooper on 2/8/2019. (lccrc2) (Entered: 02/08/2019)
03/08/2019	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 03/08/2019)
04/11/2019	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 04/11/2019)
05/10/2019	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 05/10/2019)
06/14/2019	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 06/14/2019)
06/17/2019	<u>29</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CAMPAIGN FOR ACCOUNTABILITY. Attorney A. Mackenna White terminated. (Busen, Carey) (Entered: 06/17/2019)
07/12/2019	<u>30</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 07/12/2019)
07/16/2019		MINUTE ORDER: The parties shall file an updated joint status report, to include a proposed briefing schedule should one be necessary, on or before September 23, 2019. The parties are strongly encouraged to use this extension to narrow the issues in dispute to the greatest extent possible. Signed by Judge Christopher R. Cooper on 7/16/2019. (lccrc2) (Entered: 07/16/2019)
07/16/2019		Set/Reset Deadlines: Joint Status Report due by 9/23/2019 (lsj) (Entered: 07/16/2019)
09/22/2019	<u>31</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Cohen, Jason) (Entered: 09/22/2019)
09/24/2019		MINUTE ORDER: Production having been completed, Defendant shall provide Plaintiff a <i>Vaughn</i> index on or before October 11, 2019. The following briefing deadlines shall apply: Plaintiff shall file any motion for summary judgment by November 15, 2019; Defendant shall file its cross-motion and opposition by December 13, 2019; Plaintiff shall file its reply and opposition to the cross motion by January 3, 2020; and Defendant shall file its final reply by January 10, 2020. Signed by Judge Christopher R. Cooper on 9/24/19. (lccrc2) (Entered: 09/24/2019)
09/25/2019		Set/Reset Deadlines: Vaughn Index due by 10/11/2019. Summary Judgment motions due by 11/15/2019. Response to Motion for Summary Judgment due by 12/13/2019. Reply to Motion for Summary Judgment due by 1/3/2020. Replies due by 1/10/2020. (lsj) (Entered: 09/25/2019)
11/06/2019	<u>32</u>	STIPULATION of Dismissal by CAMPAIGN FOR ACCOUNTABILITY. (Busen, Carey) (Entered: 11/06/2019)